

UNITED STATES DISTRICT COURT

District of _____

CLINET SHIVES AND KENNETH SHIVES

Plaintiff

V.

SCHNUCK'S MARKETS, INC.

Defendant

NOTICE, CONSENT, AND ORDER OF REFERENCE —
 EXERCISE OF JURISDICTION BY A UNITED STATES
 MAGISTRATE JUDGE

Case Number: 0:05CV2542 B/V

FILED BY
 NOV - 7 PM 2:43
 THOMAS H. GOULD
 CLERK, U.S. DISTRICT COURT
 W.D. OF N.Y.

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date
CLINET AND KENNETH SHIVES	<i>Nathaniel C. Beal Attorney</i>	10/27/2005
SCHNUCK'S MARKETS, INC.	<i>Courtney Ellis, Attorney</i>	11/4/05

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to DIANE VESCOVO
 United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

11/2/05 Date *[Signature]* United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

This document entered on the docket sheet in compliance
 with Rule 58 and/or 79(a) FRCP on 11-8-05

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Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02542 was distributed by fax, mail, or direct printing on November 8, 2005 to the parties listed.

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Honorable Diane Vescovo
US DISTRICT COURT